



# Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's  
environment for the benefit of current and future generations.*



Matthew H. Mead, Governor

Todd Parfitt, Director

April 14, 2014

Certified #7012 2920 0002 3700 3051  
Return Receipt Requested

James and Katheryn Fisher  
124 Royal Court  
Chadron, Nebraska 69337

**RE: Issuance of Notice of Violation (NOV)**

Dear Mr. Fisher:

Enclosed is a Notice of Violation (NOV) issued for violations of the Wyoming Solid Waste Rules and Regulations (SWRR) for an unauthorized solid waste facility you own located off of Rogers Lane (13 Rogers Lane; NWE and NENE of Section 10 Township 01 North, Range 004 East; latitude 43.083N, longitude 108.384W) approximately three miles north of Riverton, Wyoming. It is estimated there is in excess of 1000 cubic yards of waste at the location and there is evidence of solid waste still being accumulated and dumped at this unauthorized site.

As a result of multiple inspections, and since you have declined to contact the department after two separate certified letter notices dated October 27, 2013 and February 20, 2014 (see attached), the department is referring this NOV to the Wyoming Attorney General's office for further enforcement.

If you have any questions or desire to voluntarily settle this matter, please contact Mr. Kent Simon in Lander at 332-6924, or Mr. Charlie Plymale in our Lander office at the same number.

Sincerely,

Luke Esch  
Administrator  
Solid and Hazardous Waste Division

Enclosures: NOV, copy of Certified Letter dated 10/27/2013 w/signed receipt, copy of Certified Letter dated 2/20/2014 w/signed receipt

cc: Bob Breuer, I&C Program Manager, WDEQ/SHWD Casper Office, File #50.721  
Charlie Plymale, I&C, WDEQ/SHWD Lander Office, File #50.721

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH	ABANDONED MINES	AIR QUALITY	INDUSTRIAL SITING	LAND QUALITY	SOLID & HAZ. WASTE	WATER QUALITY
(307) 777-7758	(307) 777-6145	(307) 777-7391	(307) 777-7369	(307) 777-7756	(307) 777-7752	(307) 777-7781
FAX 777-7682	FAX 777-6462	FAX 777-5616	FAX 777-5973	FAX 777-5864	FAX 777-5973	FAX 777-5973





BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE  
NOTICE OF VIOLATION  
ISSUED TO:

JAMES & KATHERINE FISHER	)
124 ROYAL COURT	)
CHADRON, NE 69337	) DOCKET NO. 5407-14

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On June 11, 2013, Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Kent Simon, conducted an inspection of the unauthorized solid waste facility located off of Rogers Lane (13 Rogers Lane; NWNE and NENE of Section 10 Township 01 North, Range 004 East; latitude 43.083N, longitude 108.384W) approximately three miles north of Riverton, Wyoming, to evaluate compliance with the Wyoming Solid Waste Rules & Regulations (SWRR). On February 19, 2014, Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Kent Simon and Mr. Charles Plymale, conducted a subsequent inspection of the unauthorized solid waste facility located off of Rogers Lane to evaluate compliance with the Wyoming Solid Waste Rules & Regulations (SWRR). It is estimated there are in excess of 1000 cubic yards of waste at the location.

2. Certified letters were sent to Mr. James Fisher on October 27, 2013 and again on February 20, 2014. Both letters were received and receipt acknowledged by James Fisher on October 30, 2013 and February 24, 2014. Mr. Fisher failed in both cases to contact the WDEQ as requested in the letters.

3. The inspections revealed the following violations of the Wyoming SWRR:

**Count 1: The Environmental Quality Act (Act) and the SWRR requires persons to obtain a permit before constructing or operating a site that receives solid wastes. [SWRR, Chapter 1, Section 1(f); Wyo. Stat. § 35-11-502(a)] Mr. Fisher does not have a permit or one-time authorization to dispose of solid waste at the location. Therefore, Mr. Fisher's failure to obtain a permit or one-time authorization is a violation of the Act and the SWRR.**

**Count 2: The Environmental Quality Act (Act) and the SWRR prohibits open dumping of solid wastes. [SWRR, Chapter 1, Section 1(h)] The Fishers are engaged in the open dumping of solid wastes.**

**SWRR, Chapter 1, Section 1(e)(i), defines "Open dump" as meaning an uncontrolled solid waste management facility at which solid wastes are placed on the land in such a manner that they present a real or potential hazard to public health and the environment. Open dump includes any solid waste management facility subject to the permitting requirements of these rules and regulations which does not have a current, valid permit. The placement of solid wastes at the above location by Mr. Fisher without the required solid waste permit meets the definition of 'open dump'.**

4. ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder, is liable to a penalty of ten thousand dollars (\$10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming; and

5. THIS NOTICE OF VIOLATION is being sent to you pursuant to Wyoming Statute 35-11-701(c) which requires that in any case of the failure to correct or remedy an alleged violation the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

Signed this 14th day of April, 2014



Luke Esch  
Administrator  
Solid & Hazardous Waste Division



Todd Parfitt  
Director  
Dept. of Environmental Quality